

Request for Reconsideration After Non-Final Rejection  
Serial No. 10/776,718

Docket 5000-1-513

RECEIVED  
CENTRAL FAX CENTER

JUN 26 2008

REMARKS

Applicant respectfully requests reconsideration and withdrawal of all grounds of rejection in the Office Action in light of the following remarks. Claims 1-6 remain pending in the application. Claims 1, 4 and 6 are independent claims.

Applicant respectfully submits that in a telephone call made to the Examiner on April 11, 2008, the Office Action Summary Sheet was discussed and it was confirmed that the present action is a non-Final Action.

Claims 1-3 stand rejected under 35 U.S.C § 103(a) as allegedly being obvious over Masashi *et al.* (U.S. 5,574,714) ("Masashi") in view of Orban (U.S. 4,208,548). Claims 4-5 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Masashi in view of Orban and further in view of Ota *et al.* (U.S. 5,430,766) ("Ota"). Claim 6 stands rejected as allegedly being obvious Masashi in view of Orban and further in view of Kennedy *et al.* (U.S. 4,213,129) ("Kennedy"). Applicant respectfully traverses this ground of rejection for the reasons indicated herein below.

Applicant respectfully requests reconsideration of all grounds of rejection. Applicant notes that with regard to the rejection of claims 1-3, the combination of references would have failed to disclose or render obvious the present obvious at the time of invention, as several of the elements recited in the present claims are not disclosed or rendered obvious by Masashi and Orban. The addition of Ota or Kennedy to the combination still fails to sustain any of the rejections.

In particular, the combination of Masashi and Orban fails (as a combination) to render any of the claims obvious at the time of invention, as page 3 of the Office Action

Request for Reconsideration After Non-Final Rejection  
Serial No. 10/776,718

Docket 5000-1-513

lists a number of elements in the present claims that are alleged to be disclosed by Masashi, but such elements are not disclosed by Masashi (or Orban for that matter). Thus, the combination of references would have failed to render the claims obvious to an artisan at the time of invention.

For example, with regard to the combination of Masashi and Orban, Applicant respectfully notes that Masashi merely discloses a peak value detector 12 detects a peak value and generates a signal for controlling a gain of an amplifier using the detected peak value technique. The combination of Masashi and Orban would have failed to render the claims obvious at least in this regard.

In addition, the combination of Masashi and Orban fails to disclose, suggest or in any way render obvious the present claims, as the combination is silent regarding the recited exponential amplifier (such as exponential amplifier 23 (shown in FIG. 2) as recited in the present claims. Masashi does not disclose the exponential amplifier as claimed for reducing a time delay for which the peak holder holds the peak value, in contrast to the assertion in the Office Action on page 3. Thus the combination of Masashi and Orban fail to render the claims obvious at least because of the aforementioned reasons.

Masashi and Orban also would have failed, as a combination, to render the present claims obvious, as the combination fails to disclose the peak holder for operating by using a very small time constant. Thus in Masashi in combination with Orban fails to render the present claims obvious at least for the foregoing reasons.

Request for Reconsideration After Non-Final Rejection  
Serial No. 10/776,718

Docket 5000-1-513

In contrast to the combination of references, the presently claimed invention collectively considers various matters for rapidly controlling a variable gain amplifier (VGA) (for example item 21 in FIG. 2), including (1) a signal output from clipper 22 as a source of a control signal input to VGA 21, and (2) the peak holder 24 exponentially amplifying an output of the clipper 22 in order to reduce a time required to hold the peak value, and (3) a device (peak holder 24) operating with a very small time constant in order to reduce setting time.

Applicant respectfully submits that none of the combinations of references disclose or would have rendered the present claims obvious at the time of invention.

Thus, for at least the above reasons, none of claims 1-3 would have been obvious to a person of ordinary skill in the art over the combination of references. Nor would a person of ordinary skill in the art have found the recited elements, as combined in the claims, to have been obvious as being within the ordinary level of skill in the art (*KSR International v. Teleflex*, 127 S.Ct. 1727, 82 USPQ2d 1385 (2007)).

With regard to the rejections of claims 4, 5 and 6, Applicant respectfully submits that these claims are also believed to be allowable at least because of the reasons discussed above, and/or because of a separate basis for patentability. Individual consideration of each claim on its merits is respectfully requested.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

JUN 26 2008

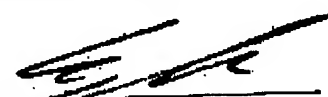
Request for Reconsideration After Non-Final Rejection  
Serial No. 10/776,718

Docket 5000-1-513

Should the Examiner deem that there are any issues which may be best resolved by telephone communication, please contact Applicant's undersigned Attorney at the number listed below.

Respectfully submitted,

CHA &amp; REITER, LLC

  
By: Steve Cha  
Attorney for Applicant  
Registration No. 44,069

Date: June 26, 2008

SC/sg

Mail all correspondence to:

Steve Cha, Registration No. 44,069  
Cha & Reiter, LLC  
210 Route 4 East, #103  
Paramus, NJ 07652  
Tel: 201-226-9245